

CITY OF CARLISLE
REGULAR CITY COUNCIL MEETING
Monday, July 26, 2004
7:00 P.M.
Carlisle City Hall Council Chamber

Officials present were: Mayor Ruth Randleman, Councilmembers Drew Merrifield, Allen Wiese, Pat Stump, Blair Dewey and Frank Shultz, City Administrator/Clerk Neil Ruddy, Deputy Clerk Pat Brehse and City Attorney Robert Stuyvesant.

The meeting was called to order at 7:00 P.M.

Motion by Wiese to APPROVE THE FOLLOWING CONSENT ITEMS: July 12, 2004 Regular City Council meeting minutes, June 10, 2004 Library Board meeting minutes, June 23, 2004 Library Board meeting minutes, Library Board of Trustees, July 1, 2004, Condition of Carlisle Public Library Services, FY 2003 – 2004, June 29, 2004 Des Moines MPO Central Iowa Bicycle-Pedestrian Roundtable meeting notes, July 13, 2004 Metropolitan Advisory Council meeting minutes, attendance of Officer Bauler at Field Sobriety Instructor School in Davenport on August 2 - 5 and Officer Moehring at Crime Scene Photography School at ILEA on August 31 – September 2, Application and Resolution No. 2004072601 for tax abatement for Jimmy Litwiller for a new residence on the W ½ lots 24 & 25, Oak Park Addition at 75 Columbia St. and application and Resolution No. 2004072602 for tax abatement for Sid Tyler for a commercial addition on a tract in the former railroad right of way at 1 ½ School St. Seconded by Stump. Roll call vote: Wiese – Aye, Stump – Aye, Shultz – Aye, Dewey – Aye, Merrifield – Aye. Motion carried.

Councilmember Shultz had the BILLS PAYABLE FOR REVIEW in the amount of \$34,563.95. Motion by Shultz to APPROVE PAYMENT OF BILLS IN THE TOTAL AMOUNT OF \$34,563.95. Seconded by Stump. The E.M.S. payment to Gall's, Inc. for a concealed speaker in the amount of \$160.98 was questioned. The invoices from MTS for towing and storage were discussed. Roll call vote: Shultz – Aye, Stump – Aye, Dewey – Aye, Merrifield – Aye, Wiese – Aye. Motion carried.

Motion by Stump to APPROVE RECOMMENDATION FOR PAYMENT NO. 3, FINAL, TO WALDINGER CORPORATION IN THE AMOUNT OF \$11,342.05 FOR THE FEEDER EXIT CABLE REPLACEMENT PROJECT. Seconded by Merrifield. Roll call vote: Stump – Aye, Merrifield – Aye, Wiese – Aye, Dewey – Aye, Shultz – Aye. Motion carried. Approval of

CITIZEN PARTICIPATION: None.

Denny Becker of the Iowa Governors Transportation Bureau presented Mayor Randleman and Officer Tom Bauler a SEAT BELT HONOR ROLL AWARD for 90% seat belt usage in Carlisle.

Sara Stotmeister, project manager for Burbach Aquatics, presented information on the CARLISLE FAMILY AQUATIC CENTER. The tentative schedule is for the project to start after the pre-construction meeting on July 29, 2004 with substantial completion in May 2004 and final completion on October 1, 2005 at which time the 2-year warranty will begin. A ground breaking ceremony is tentatively scheduled for Monday August 2, 2004 at 7:00 P.M. The canvass of the July 13, 2004 special city election, with a turnout of 794 total votes cast or 31.79% out of 2,498 registered voters and a result of 516 yes votes or 65% of the total and 278 no votes or 35% of the total with a minimum of 60% needed for passage, was received and filed. .

Motion by Stump to ACCEPT THE LOW BID OF \$799,700 FROM RICCHIO, INC. FOR POOL CONSTRUCTION – CONTRACT #1, including all add alternates and to issue the notification to proceed. Seconded by Wiese. Roll call vote: Stump – Aye, Wiese – Aye, Merrifield – Aye, Dewey – Aye, Shultz – Nay. Motion carried. Motion by Stump to ACCEPT THE LOW BID OF \$501,000 FROM MECHANICAL, INC. FOR POOL CONSTRUCTION – CONTRACT #2, including all add alternates and to issue the notification to

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proceed. Seconded by Merrifield. Roll call vote: Stump – Aye, Merrifield – Aye, Wiese – Aye, Dewey – Aye, Shultz – Nay. Motion carried. Motion by Wiese to APPROVE RESOLUTION NO. 2004072603 APPROVING THE CONTRACT, BONDS AND CERTIFICATE OF INSURANCE FROM RICCHIO, INC. for the Carlisle Family Aquatic Center. Seconded by Merrifield. Roll call vote: Wiese – Aye, Merrifield – Aye, Stump – Aye, Dewey – Aye, Shultz – Aye. Motion carried. Motion by Merrifield to APPROVE RESOLUTION NO. 2004072604 APPROVING THE CONTRACT, BONDS AND CERTIFICATE OF INSURANCE FROM MECHANICAL, INC. for the Carlisle Family Aquatic Center. Seconded by Stump. Roll call vote: Merrifield – Aye, Stump – Aye, Wiese – Aye, Dewey – Aye, Shultz – Aye. Motion carried.

The City Administrator explained that the Iowa DNR has informed the City that in order to be eligible for a Land and Water Conservation Fund (LWCF) grant of up to \$4,320.25, a project cannot begin until an agreement has been signed by the National Park Service and until a Phase I Intensive Archeological Survey has been done and clearance has been obtained from the State Historic Preservation Office. These requirements would delay the start of the project and the cost of the survey could be more expensive than the grant. Motion by Wiese to DECLINE THE OFFER OF PARTIAL FUNDING FOR THE CARLISLE FAMILY AQUATIC CENTER FROM THE IOWA DNR LAND AND WATER CONSERVATION FUND (LWCF) 2004 GRANT PROGRAM. Seconded by Stump. Roll call vote: Wiese – Aye, Stump – Aye, Dewey – Aye, Shultz – Aye, Merrifield – Aye. Motion carried.

The APPLICATION FROM ROBERT AND KATHY BETZER TO RE-ZONE THE FOLLOWING DESCRIBED PROPERTY FROM R-2 MEDIUM DENSITY RESIDENTIAL TO M-1 LIGHT INDUSTRIAL: Out Lot 16 except S 184' x W 325', except parcels F and H and except the Betzer subdivision at the intersection of Garfield and Market Streets was reconsidered. Marilyn Miller and expressed concern about possible aesthetic and environmental impacts. City Engineer John Gade stated that conditions of zoning can be added to any zone to deal with special circumstances. Motion by Wiese to APPROVE THE FIRST READING OF AN ORDINANCE REZONING OUT LOT 16 EXCEPT THE S 184' X W 325', EXCEPT PARCELS F AND H AND EXCEPT THE BETZER SUBDIVISION FROM R-2 MEDIUM DENSITY RESIDENTIAL TO M-1 LIGHT INDUSTRIAL with the added required condition that no permitted use shall take place between the period of time from 10:00 P.M. to 6:00 A.M. of each day. Seconded by Shultz. Roll call vote: Wiese – Aye, Shultz – Aye, Dewey – Aye, Stump – Nay, Merrifield – Nay. Motion carried.

The July 19, 2004 Planning and Zoning Commission minutes, including the recommendation to accept and forward to the City Council with a recommendation for approval, the final plat of Sunridge Residential Subdivision, Plat 2, subject to compliance with the city engineer's review comments and the recommendation to accept and forward to the City Council with a recommendation for approval, the construction drawings for Randleman Ridge Residential Subdivision, Plat 4 which is phase 1. of Randleman Ridge Residential Subdivision, Preliminary Plat 2004, subject to compliance with the city engineer's review comments, were received and filed. Motion by Wiese to APPROVE RESOLUTION NO. 2004072605 APPROVING THE FINAL PLAT OF SUNRIDGE PLAT 2, subject to compliance with the city engineer's review comments. Seconded by Stump. Roll call vote: Wiese – Aye, Stump – Aye, Dewey – Aye, Shultz – Aye, Merrifield – Aye. Motion carried. Motion by Wiese to APPROVE THE CONSTRUCTION DRAWINGS FOR RANDLEMAN RIDGE, PLAT 4 which is phase 1. of Randleman Ridge Residential Subdivision, Preliminary Plat 2004, subject to compliance with the city engineer's review comments. Seconded by Stump. Roll call vote: Wiese – Aye, Stump – Aye, Dewey – Aye, Shultz – Aye, Merrifield – Aye. Motion carried. Proposed changes to the Warren County zoning ordinance were received and filed. It was noted that the proposed minor platting process does not require notification of adjacent property owners.

Motion by Dewey to refer the SID TYLER REQUEST FOR A MODIFICATION TO ALLOW CONSTRUCTION OF A SINGLE FAMILY RESIDENCE ON THE 1-LOT PLAT OF SURVEY FOR THE MYRON AND ARLENE RAWSON TRUST AND CHARLES PETERSON FOR PARCEL "E", consisting of 5.88 acres in the SE ¼ of the SE ¼ in Sec. 14-77-23 at the intersection of 180th Ave. and Cleveland St., for agricultural purposes only to the Planning and Zoning Commission for a

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recommendation. Seconded by Shultz. It was noted that the parcel is within the City's 2-mile subdivision jurisdiction and that the request would not violate County's four residences per forty acres zoning regulation. Roll call vote: Dewey – Aye, Shultz – Aye, Stump – Aye, Wiese – Aye, Merrifield – Aye. Motion carried.

The request from Peggy O'Neill, 505 S. 8th for an adjustment to her electric bill due to excess operation of the sump pump and dehumidifier was considered. Mayor Randleman explained that the rainfall for the May/June billing period was 2" in 2003 and 7.2" in 2004 and that the increase in the electric bill parallels the increase in rainfall. Motion by Dewey to DENY THE REQUEST FROM PEGGY O'NEILL, 505 S. 8TH FOR AN ADJUSTMENT TO HER ELECTRIC BILL. Seconded by Shultz. Roll call vote: Dewey – Aye, Shultz – Aye, Stump – Aye, Wiese – Aye, Merrifield – Aye. Motion carried.

The City ordinance requiring SWIMMING POOL FENCES at least 5 feet high for anything "capable of containing water of a depth of 18 inches or more" was discussed. David Doss, 1420 S. 5th, stated that the 5 foot height is not a standard fence dimension and that trampolines are more of a liability exposure than swimming pools. It was explained that Grimes and Johnston have adopted more recent swimming pool fence ordinances which will be reviewed.

The HIGHWAY 5 AND COUNTY LINE ROAD WETLANDS PROJECT was discussed. The proposed project involves a tentative agreement for the City to purchase 47.53 acres from the Iowa DOT and to sell approximately 7.53 acres to Peoples Bank for a commercial development, subject to Peoples Bank paying mitigation and grading costs. Motion by Stump TO RECEIVE AND FILE THE APPROVED SECTION 404 NATIONWIDE PERMIT 39 FOR REGRADING FOR COMMERCIAL DEVELOPMENT AND THE APPROVED SECTION 404 NATIONWIDE PERMIT 27 FOR REGRADING FOR WETLAND RESTORATION from the Department of the Army Corps of Engineers Wetland Division. Seconded by Wiese. Roll call vote: Stump – Aye, Wiese – Aye, Merrifield – Aye, Dewey – Aye, Shultz – Aye. Motion carried. Doug Adamson of Site+ presented the history of the proposed project and explained that the developer will be responsible for the cost of grading approximately 90,000 cubic yards of fill and mitigating .25 acres of jurisdictional wetland. William Schooler, Jr. stated that area is the gateway to the City and that the ultimate value of the commercial development area could be \$4 to 5 million. He suggested that instead of an outright sale of the commercial area, the City should split any profits with the developer. City Attorney Stuyvesant stated that the discussion of the development proposal has been public and that it is not reasonable for a developer to take 100% of the risk and split 50% of the profit. Councilmember Shultz stated that the cost of grading could be \$240,000. Councilmembers Merrifield and Wiese were instructed to meet with the Carlisle Environmental Education Center steering committee to review the development proposal. No action was taken on the Consent to Easement Structures as approved by Department of the Army Corps of Engineers Real Estate Division or on the agreement between the City and Peoples Bank for joint acquisition and development of a 47.53 acre tract at Highway 5 and County Line Road.

Motion by Dewey to table action on the Proposal from Latham and Associates to study the FEASIBILITY OF FORMING A NATURAL GAS UTILITY in Carlisle. Seconded by Stump. Roll call vote: Dewey – Aye, Stump – Aye, Shultz – Aye, Wiese – Aye, Merrifield – Aye. Motion carried. The City of Indianola will be contacted for a reference on the company.

The proposed RATE INCREASE FOR SECURITY LIGHTS was discussed. The proposal will be reconsidered for an ordinance reading at the next meeting.

The proposal from HR-One Source to assist with DEVELOPMENT OF PERSONNEL POLICIES AND JOB DESCRIPTIONS and to provide harassment training was discussed. The scope of the work will be reduced and the cost will be re-negotiated.

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Motion by Dewey to approve the Request from Iowa Natural Heritage Foundation for PARTICIPATION IN A COMPREHENSIVE UNIFORM MAPS AND SIGNAGE PLAN FOR CENTRAL IOWA TRAILS. Seconded by Stump. Roll call vote: Dewey – Aye, Stump – Aye, Shultz – Aye, Merrifield – Aye, Wiese – Nay. Motion carried.

The enforcement of City Code 122.14 11. A., Signs and Billboards, with regard to REAL ESTATE SIGNS ON PUBLIC PROPERTY, was discussed. Strict enforcement would also affect garage sale and for sale by owner signs. No action was taken.

A proposed NATURAL LANDSCAPE ORDINANCE was discussed and referred to the Aesthetic Standards Committee for a recommendation. The WATER SERVICE LINE BREAK AT THE CARLISLE SCHOOLS was discussed. Possible casino sites in Warren County were discussed. Fire Chief Burger stated that the BURN OF THE HOUSE AT 510 HIGHWAY 5 is scheduled for August 14, 2004 at 8:00 A.M.

Motion by Stump to GO INTO EXEMPT SESSION pursuant to chapter 21.5 (j.) of the Iowa Code to discuss purchase of particular real estate and possible action at 11:06 P.M. Seconded by Wiese. Roll call vote: Stump – Aye, Wiese – Aye, Merrifield – Aye, Dewey – Aye, Shultz – Nay. Motion carried.

Councilmember Shultz left the meeting at 11:30 P.M.

Motion by Stump to CLOSE THE EXEMPT SESSION at 11:46 P.M. Seconded by Wiese. Roll call vote: Stump – Aye, Wiese – Aye, Merrifield – Aye, Dewey – Aye. Motion carried.

Motion by Wiese to approve a LETTER OF COMMITMENT TO ASSIST WITH THE WELCH PRODUCTS, INC. EXPANSION PROJECT. Seconded by Stump. Roll call vote: Wiese – Aye, Stump – Aye, Dewey – Aye, Merrifield – Aye. Motion carried.

Motion by Stump to authorize Tiffany Coleman of the Warren County Economic Development Corporation to begin negotiations on behalf of the City for ACQUISITION OF THE PROPERTY AT 201 S. GARFIELD. Seconded by Wiese. Roll call vote: Stump – Aye, Wiese – Aye, Merrifield – Nay, Dewey – Aye. Motion carried.

Motion by Wiese to ADJOURN AT 11:50 P.M. Seconded by Stump. Roll call vote: Wiese – Aye, Stump – Aye, Dewey – Aye, Merrifield – Aye. Motion carried.

Ruth Randleman, Mayor

Attest:

Neil Ruddy, Administrator/Clerk